

REMARKS

A revised Statement of the Claims is submitted in response to the Notice of Non-Compliant Amendment. While it was identified by the Examiner that the claims were misnumbered, upon preparing this response additional errors in claims 58 and 61 were identified and corrected. Please substitute the present Statement of the Claims in its entirety for the previous submission of Feb. 22, 2008.

The following Remarks were previously submitted. However, in view of changes to claim numbers in the present Statement of the Claims, the Remarks are reproduced below with correct reference to the claims as now renumbered. Please note that an Interview Summary was submitted on Feb. 22, 2008 and is not reproduced herewith.

Claims 33-55 are pending in the application.

Claims 33 and 45 have been amended to limit the orientation of the central axes through the first and second holes. The head portion of the plate is stated to have a thickness and the first and second holes have respective central axes that extend through a center of their respective holes at all points through said thickness. This structural definiteness plate, its thickness, and the axis extending through the center of a hole at all points through the thickness defines a single axis for each hole.

New claims 56 and 59 limit the directionality of the axes by claiming the central axis of a hole is defined by a helical thread, as suggested by the Examiner.

New claims 57 and 60 limit the directionality of the axes by claiming that each hole has a cylindrical portion and limiting the axis of a hole to extend “longitudinally centrally through” the cylindrical portion.

New claims 58 and 61 correspond to previously objected to claims 40 and 51 rewritten in independent form.

In each of the above independent claims, the holes in the head portion define a maximum of a single orientation for the axis claimed therethrough. The claims require that such holes with the claimed axes define an arrangement of longitudinally displaced central axes that is interleaved below the bone contacting surface of the head portion (claims 33-44 and 56-57) or in which first holes are provided on a proximal side of a plane, second holes are provided on a distal side of the plane, and the central axes of said first and second holes extend through the plane below a bone contacting surface of the distal head portion (claims 45-55 and 59-61). The claimed plate with the claimed holes having the claimed relative axial arrangement is not taught or suggested or in any other way rendered obvious by the cited art.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is

invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David S. Jacobson', with a stylized flourish at the end.

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